

COPY



The Public Service Commission
State of South Carolina

DAVID A. WRIGHT
COMMISSIONER, SECOND DISTRICT

May 25, 2005

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Mr. John M.S. Hoefer, Esquire
Willoughby & Hoefer, P.A.
Post Office Box 8416
Columbia, South Carolina 29202

Re: Docket 2004-357-W/S Carolina Water Service

Dear counsel:

Today, I received in the mail a copy of the enclosed letter, dated May 18, 2005, from S. Jahue Moore, Esquire to the Department of Health and Environmental Control. While not directly related to the above referenced case, this communication does involve Carolina Water Service, and I am therefore notifying you, as counsel of record, that it has taken place. To the extent that this letter may be considered an *ex parte* communication, I believe that it was inadvertent.

As you know, pursuant to S.C. Code Ann. Section 58-3-260(D)(1), within ten days after receipt of notice of the *ex parte* communication, any party who desires to rebut the contents of such a communication shall be granted the opportunity to do so upon request. Pursuant to the requirements of the same provision, Mr. Moore's letter to DHEC, and this letter, will also be placed in the record of the case.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Wright", with a stylized flourish at the end.

David A. Wright

Cc: counsel of record
S. Jahue Moore, Esquire

enclosure as stated above

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REPLY TO WEST COLUMBIA OFFICE

May 18, 2005

VIA CERTIFIED US MAIL
SC Department of Health and
Environmental Control
2600 Bull Street
Columbia, SC 29201
ATTN: DAVID PRICE

Re: JP Development - Proposed Mobile Home Park

Dear Mr. Price:

I represent Joel Player and JP Development Company. As you are aware, my client intends to construct a mobile home park on land it owns on Edmund Highway. We have all of the appropriate County permits and we are now ready to construct our mobile home park.

It has come to our attention that Carolina Water Service has a well on its property next door to my client's property. Apparently, Carolina Water is using a portion of my client's property as a "pollution free zone" to justify the existence of its well. Carolina Water Service to our knowledge has no easement which would justify its claim that it be allowed to use our property as a part of its "pollution free zone". Please be advised that my client objects to any permit issued to Carolina Water Service which uses any of my client's property as a "pollution free zone" or for anything else for that matter.

Please accept this letter as a Freedom of Information Act request. I specifically request any and all permitting information in regard to that certain well located in or near Edmund Highway adjacent to my client's property. I specifically but without in anyway limiting the generality of the foregoing request all permits; drawings; diagrams; correspondence; easements; and all operational documents.

I am afraid at this time that we must insist that the Carolina Water Service's well be decommissioned in some fashion or at least moved in a way that it does not use my clients property as a justification for its existence. Again, we know of no easement whatsoever that would allow Carolina Water to make use of my client's property.

Mr. David Price
May 18, 2005
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Re: JP Development - Proposed Mobile Home Park

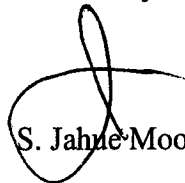
Not only does Carolina Water Service appear to be utilizing a portion of my client's property as its "pollution free zone" without permission or easement, I also am advised that Carolina Water has refused to provide my client's mobile home park with water. Thus, we have made arrangements for the drilling of our own well and have had to use another one hundred foot radius of our property for our own well. I am sure you can understand my client's frustration when it was learned that Carolina Water is now utilizing a portion of its property as a justification for its utility.

In addition to the Freedom of Information material requested herein, I do also request that DHEC take whatever action is necessary in order to prevent Carolina Water from claiming any of my client's property as its "pollution free zone".

I would appreciate an explanation from DHEC as to how Carolina Water was able to install this well in the first place and as to who at DHEC authorized the unauthorized use of my client's property as justification for the drilling of this well.

Thank you for your attention to this matter and we look forward to hearing from you in the near future.

Yours very truly,



S. Jahne Moore

SJM:tl

cc: Mr. Joel Player
Honorable David Wright ✓
Honorable John M. Knotts
Carolina Water Service
Strickland Engineering, Inc.